



SPU
1615 -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of
HEGER et al.

Serial No. 09/857,480

Filed: August 13, 2002

For: NANOPARTICULATE CORE/SHELL SYSTEMS AND THE USE THEREOF
IN PHARMACEUTICAL AND COSMETIC PREPARATIONS

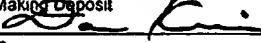
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Daniel Kim

Person Making Deposit


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Honorable Comm'r. of Patents
PO Box 1450
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AMENDMENT

Sir:

In response the office action dated August 24, 2004, applicants request entry of
the following amendment:

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continuous process is equivalent to a batchwise process. This reference by the examiner concerns turning an aqueous collagen mixture into solid shaped forms. Applicants therefore believe there is no suggestion for one of ordinary skill in the art to modify the method disclosed by Stainmesse to a continuous process. In order to complete the PTO's *prima facie* case and shift the burden of going forward to applicant, there must be evidence (other than speculation by the PTO) that one of ordinary skill in the subject art would have been motivated to make the modification of the prior art necessary to arrive at the claimed subject matter. *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941, 1944 (Fed. Cir. 1992).

Regarding List et al. the examiner believes it would have been reasonable to modify the its process using conventional continuous processing and mixing means. In response, applicants again point out that List et al. the batchwise operation disclosed by List et al. has to be followed by filtration to separate any coarse particles. (see examples 1 and 2 of List et al.). This shows that the teaching in List et al. would not lead to find particles with uniform size without further steps.

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Respectfully submitted,

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